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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,070	07/24/2003	Bruce Carl Dapprich	9761	
7:	590 09/01/2004		EXAMINER	
Bruce Carl Dapprich			PEDDER, DENNIS H	
171 Gass Road Pittsburgh, PA			ART UNIT PAPER NUMBER	
			3612	
			DATE MAILED: 09/01/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Donnis H. Pedder		Application No.	Applicant(s)					
Dennis H. Pedder - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than they (30) days, and specified and they are the period for reply specified above is less than they (30) days, and specified above. 1)		10/626,070	DAPPRICH, BRUCE CARL					
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of time rapy be willed used the provided and the foliation of 2 CPR 1.13(6). In no event, however, may a reply be timely filed after 50X (5) MCNTHS from the mailing date of this communication. It NO provide for reply is specified above, the maximum statutory period value by willing the statutory 100 days will be considered timely. If NO provide for reply is specified above, the maximum statutory period value by and will explice 1XQ (9) MCNTHS from the mailing date of this communication. Fallura to reply within the set or extended period for reply will, by statuto, cause the application to become ARANDONED (35 U.S.C. § 133). Any reply received by the Office are then there amoning a their them allocation. Fallura to reply within the set or extended period for reply will, by statuto, cause the application to become ARANDONED (35 U.S.C. § 133). Any reply received by the Office are then there amoning a the firm allocation and the communication, even if treely filed, may reduce any version pattern to malpiatrant. See 37 GFR 1.794(b): Status 1) Responsive to communication(s) filed on \$\textit{0.99 February 2004}\$. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under \$Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) \$\frac{1.3}{2}\$ is/are pending in the application. 4a) Of the above claim(s) is/are rejected. 7) Claim(s) is/are rejected. 7) Claim(s) is/are rejected to . 8) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 2) All b) some *c) None of: 1. Certified copi	 The MAILING DATE of this communication app Period for Reply 	ears on the cover sheet with the c	orrespondence ad	Idress -				
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DETAILED ACTION

Drawings

1. The drawings are objected to because they continue to contain excessive text. In view of the art cited below, the examiner defers the necessity of correction of these drawings in order to spare applicant unnecessary expense.

Claims 1-3 are rejected as failing to define the invention in the manner required by 35
 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Higdon or Salsbury et al..

The claim is directed to the subcombination cover assembly, shown in the drawings of each patent above.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haddad, Jr. in view of any one of Delp, Salsbury et al., Kuss et al., Reynolds, Barry, and Higdon.

Haddad, Jr. shows the open top dumpster without cover. It is not legal to transport debris in an open top container in the United States, therefore the use of a cover as taught by any one of the above references, each of which hooks-on to the top rail of the container without alteration and limits exposure to the environment as well as access to the contents, would have been obvious to one of ordinary skill in this art for the ease of attachment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (703) 308-2178. The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dennis H. Pedder Primary Examiner Art Unit 3612

8/27/04

DHP 8/27/2004